RECLAMATION

Managing Water in the West

Final Environmental Assessment

Construction of Conveyor System over the Delta-Mendota Canal at Mile Post 80.0, Merced County

EA-07-50

U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
South Central California Area Office
Fresno, California

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Contents

List of Acronyms, Abbreviations, and Definition of Terms

AF	Acre Feet
CVP	Central Valley Project
DMC	Delta-Mendota Canal
EA	Environmental Assessment
M&I	Municipal and Industrial

Reclamation	Bureau of Reclamation
ROW	Right-of-way
SLDMWA	San Luis Delta-Mendota Water Authority
Triangle	Triangle Rock Products, Inc.
VMC	Vulcan Materials Company

Section 1 Purpose and Need for Action

1.1 Background

The Central Valley Project (CVP) is the largest water storage and delivery system in California, with a geographic scope covering 35 of the state's 58 counties. The Delta-Mendota Canal (DMC), the second largest of the CVP waterways, was completed in 1951. It includes a combination of both concrete-lined and earth-lined sections and is about 117 miles in length. It carries water southeasterly from the ``Bill" Jones Pumping Plant (formerly the Tracy Pumping Plant) along the west side of the San Joaquin Valley for irrigation supply and municipal and industrial (M&I), for use in the DMC Unit, and to replace San Joaquin River water stored behind Friant Dam and used in the Friant-Kern and Madera Canals. The canal transports water from the "Bill" Jones Pumping Plant to the Mendota Pool, which is controlled by a concrete storage dam that was constructed in 1919. The Mendota Pool is located at the confluence of the San Joaquin River and the north fork of the Kings River, approximately 30 miles west of the City of Fresno. (Reclamation 2005).

This environmental assessment (EA), prepared by the Bureau of Reclamation (Reclamation), evaluates the impacts of conveyor system construction and operation by Triangle Rock Products, Inc. (Triangle) over MP 80.0 of the Delta-Mendota Canal.

Traingle Rock Products (a wholly-owned subsidiary of Vulcan Materials Company)

Vulcan Materials Company (VMC) produces crushed stone, sand, gravel, and other construction materials. Much of what is sold is used to maintain roads and highways. VMC annually produces more than 2 million tons of rock and other aggregates (VMC 2007). In 2005, annual sales were $2.6 billion. VMC operates 356 facilities in 21 states, District of Columbia and Mexico, employing approximately 9,000 people. VMC has 162 stone quarries, 29 sand and gravel plants, 67 sales yards, 39 asphalt plants, and 23 ready-mixed concrete facilities.

1.2 Purpose and Need

Reclamation's purpose is to approve a 10-year license to allow use of Reclamation's right-of-way (ROW) for construction and use of a conveyor system over the DMC by Triangle. The proposed project would make it possible for Triangle to transport aggregate materials over the DMC to its aggregate operation located on its property on the opposite side of the DMC versus trucking material over a road crossing. The conveyor system would save time and cost in the transportation of aggregate materials. Additionally, operational safety would be improved by eliminating the hauling of aggregate by truck across the existing canal bridge.

Section 2 Alternatives Including Proposed Action

2.1 Alternative A – No Action

Reclamation would not issue a 10-year license to allow Triangle use of Reclamation's ROW near Milepost 80.00 for construction and use of a conveyor system crossing to connect existing aggregate pits on either side of the Delta-Mendota Canal. Triangle would continue to transport aggregate materials by truck across the canal.

2.2 Alternative B - Proposed Action

Reclamation proposes to issue a 10-year license to allow Triangle use of Reclamation's ROW near Milepost 80.00 for construction and use of a conveyor system crossing to connect existing aggregate pits on either side of the DMC just south of San Luis Delta-Mendota Water Authority's (SLDMWA) existing maintenance yard and west of Los Banos, Merced County, CA. The aggregate operation is located on the property of Traingle Rock Products facility.

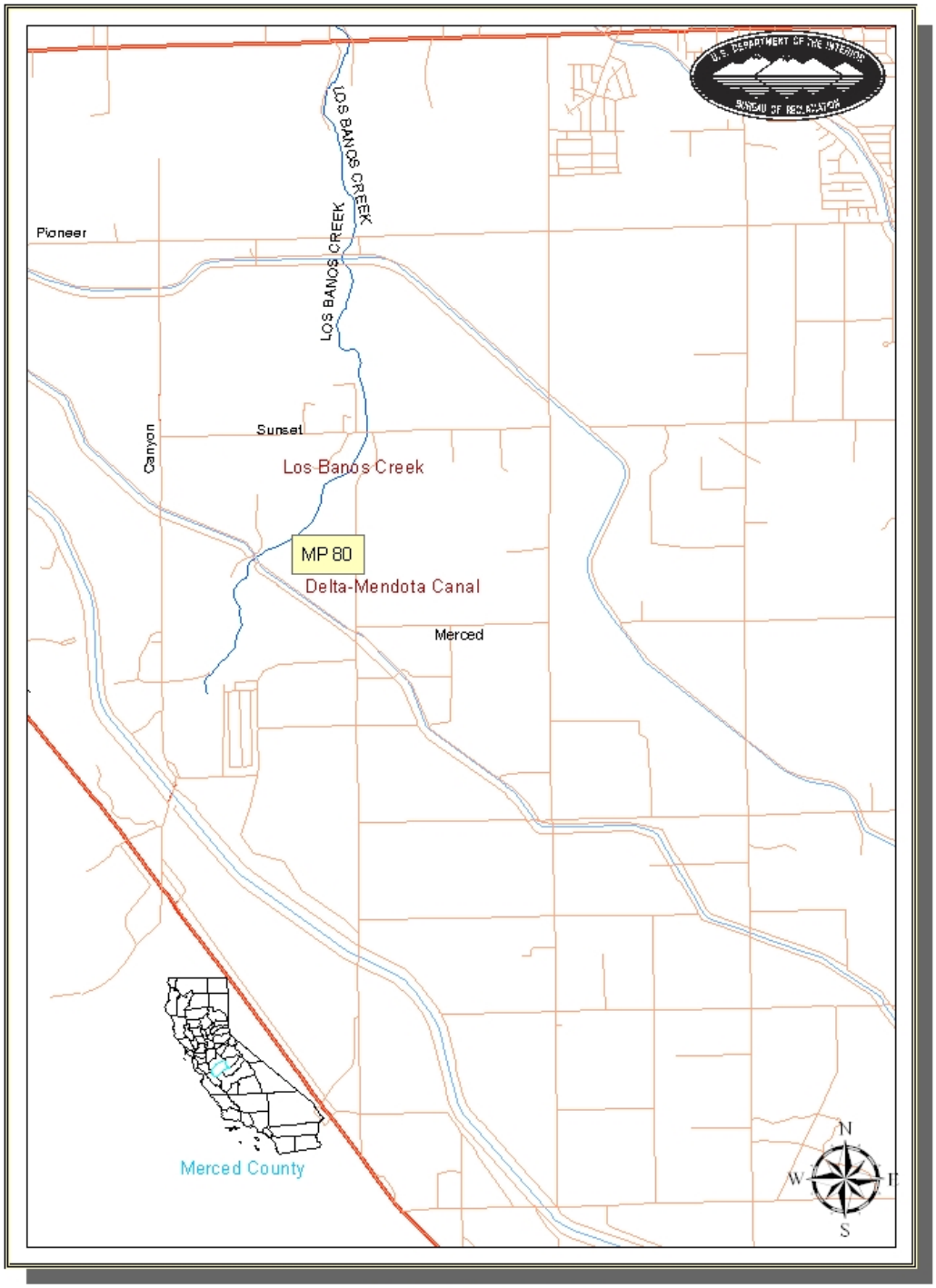
Triangle proposes to construct a conveyor system crossing to connect existing aggregate pits on either side of the DMC just south of the SLDMWA existing maintenance yard and west of Los Banos, Merced County, CA (approximately Milepost 80.0).

The aggregate operation (1/4"-1-1/2", cobble 2" up to a maximum of 14") is located on the property of Triangle's facility. The project area would consist of a 200 meter by 50 meter area, which extends across the canal approximately ¼ mile northwest of Creek Road Crossing. Action area is found on 7 ½ minute U.S. Geological Survey Volta Quad, Merced County, T10SR10E, Section 32 (See Figures 1 and 2). See appendix for photos of the area.

Construction would not occur over the canal. The conveyor crossing would be constructed on land within the project area and then lifted by crane as a single unit spanning the canal and set on the footings. Pile driving would not be performed as part of the proposed action, which would ensure material and structural integrity of the canal. The conveyor system would be approximately 200 feet in length spanning the DMC, 15 feet above the existing canal, with an 11 foot-wide truss, and a conveyor belt 3 feet wide (See Figure 3). Additional conveyor systems on either end would be added following construction of the conveyor system crossing structure. The conveyor system's structural supports would be setback 4-6 feet from the outside of the existing service roads that parallel both sides of the canal. Construction would take approximately three months. An estimated average of 1.5 million tons per year of aggregate material would be conveyed. Once mining operations cease, the entire structure would be removed.

The conveyor system would be a year-round operation in operation for approximately 50 years. Normal operations would be 12-hours per day, five days a week unless there was a large project (e.g. State Highway project).

Triangle currently hauls aggregate via truck across the DMC utilizing a bridge ¼ mile northwest of the proposed location of the conveyor system structure. Transport of aggregate across the canal via a conveyor system would stop the existing truck haul operations except during repair and maintenance to the conveyor system crossing, improving operational efficiencies and safety.



Delta-Mendota Canal
Triangle Rock Products Conveyor Project

Figure 1 Map of Project Area

Figure 2 Aerial view of Project Area

The conveyor system crossing would move aggregate material from one side of the canal to the other over Reclamation lands and surface waters, where Reclamation holds a fee title interest. Operational safety would be improved by eliminating the hauling of aggregate by truck across the existing canal bridge, and would reduce haul-related vehicle emissions once conveyor system operations commenced.

Figure 3 Style of Conveyor System Contemplated

2.3 Other Alternatives Considered but Eliminated

Installing the conveyor system at the existing bridge was considered; however, due to the narrowness of the bridge, there is not sufficient area to install a conveyor system structure.

Section 3 Affected Environment & Environmental Consequences

3.1 Water Resources

3.1.1 Affected Environment

The DMC ends at Mendota Pool, on the San Joaquin River near the town of Mendota, 30 miles (48 km) west of Fresno. The canal has an initial capacity of 4,600 cubic feet per second (130 m^3/s), but it gradually decreases to 3,211 cubic feet per second (91 m^3/s) at the terminus.

The DMC originates at the intake headworks on the bank of Old River, a natural channel in the Delta. "Bill" Jones Pumping Plant raises water from the intake channel some 197 feet to the headworks where the canal carries the water south. The first 95 miles of the Delta-Mendota Canal have a concrete lining. The remaining distance is unlined. Delta-Mendota Canal has a bottom width of 100 feet and 16 feet deep. (Reclamation 2007).

The Delta-Mendota Canal delivers approximately 3,000,000 acre feet (AF) of water within the SLDMWA service area. Of this amount, 2,500,000 AF are delivered to highly productive agricultural lands, 150,000 to 200,000 AF for municipal and industrial uses, and between 250,000 to 300,000 AF are delivered to wildlife refuges for habitat enhancement and restoration. (SLDMWA 2007).

The areas served by the DMC include primarily agricultural lands on the western side of the San Joaquin Valley, from Tracy in the north to Kettleman City in the south, and primarily urban uses in the San Felipe unit of the CVP, in San Benito and Santa Clara Counties, west of the Coast Range. The DMC generally runs parallel to the California Aqueduct, a state-owned facility providing primarily agricultural water to southern portions of the San Joaquin Valley and primarily urban supplies to southern California. The DMC is part of the federal CVP Delta export facilities that also include the "Bill" Jones Pumping Plant, the Westley and Newman Wasteways, the O'Neill Pumping Plant, the O'Neill Forebay, and the San Luis Reservoir (Reclamation 2007b).

3.1.2 Environmental Consequences

No Action

Under the no action alternative, no changes would result to existing operations. Water would still be used for irrigation and M&I purposes. Water would continue to be delivered to established cropland and for urban uses.

Proposed Action

As in the no action alternative, no changes would result to existing operations. Water would still be used for irrigation and M&I purposes. Water would continue to be delivered to established cropland and for urban uses. The DMC would not be altered. Construction activities would not interfere with operations. Land and facilities adjacent to or within the ROW area would be restored to pre-project conditions at completion of construction. All backfill would be

compacted to not less than 95 percent of maximum dry density. Backfill and asphalt repair/replacement would be completed to the satisfaction of SLDMWA. The contractor would make provisions to prevent any material spillage inside the canal during construction. All applicable storm water regulations would be complied with. Materials and wastes, erosion, and sediment would be controlled for construction area. During the rainy season (October 1 through April 30) the amount of exposed soil would not exceed that which could be adequately protected by the contractor in the event of a rainstorm.

Aggregate material would fall into a catch chute that would be placed under the conveyor system to prevent material from falling into the DMC. Side protection would be placed part way up the conveyor truss, high enough to shield the aggregate material on the conveyor from wind and prevent it from blowing it into the DMC.

Water would be used during construction; however, the primary use would be for fugitive dust abatement to ensure air quality concerns have been addressed. The quantity of water would be small and only a temporary use. No hazardous materials would be associated with the proposed action and, therefore, would not adversely affect surface and groundwater quality.

Cumulative Effects
The proposed action would not contribute to changes to existing operations when considered with past, present, and future uses.

3.2 Land Use

3.2.1 Affected Environment

Agricultural-related industries are a major source of employment along with food processing, retailing, and light manufacturing. Land use in the vicinity of the proposed conveyor system construction is agricultural. Land cover is native vegetation, field crops, and fruits and nuts surrounded by farmland. The Merced County General Plan is for agricultural (Merced County General Plan 2000). Both sides of the canal where minor grading and excavation activities would occur are highly disturbed from canal operations, the canal maintenance yard operations, and Triangle's existing aggregate operations (see photos in appendix). Total dirt excavated would be approximately 74 cubic yards. Dirt excavated from the footings would be backfilled around the completed footings and the remainder distributed evenly around and between the footings.

3.2.2 Environmental Consequences

No Action
Land use would not change. No native grassland would be tilled or cultivated. Water would be conveyed through existing facilities with no construction or modification to existing facilities.

Proposed Action
As in the no action, land use would not change. No native grassland would be tilled or cultivated. A conveyor system crossing would be constructed to connect existing aggregate pits on either side of the DMC just south of SLDMWA's existing maintenance yard and west of Los

Banos, Merced County, CA. The temporary work area would occupy a 200 meter by 50 meter area. The area is essentially level and would involve minor grading and excavation activities to install support footings and structures to support and install the conveyor system. Slope stability would not be an issue as there are no slopes or major excavations. Best management practices would ensure the construction area is properly re-contoured and revegetated with erosion control native grass species indigenous to the area to insure storm water runoff is properly addressed. As there are no slopes or major excavations, slope stability would not be an issue.

Cumulative Effects
The proposed action would not change the amount of irrigated lands. The proposed action would not contribute to major land use changes or cumulative impacts to agricultural land.

3.3 Biological Resources

3.3.1 Affected Environment

Environmental Site Restoration, Inc. (ESR) conducted a search (hired by Vulcan) on California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDB) and U.S. Fish and Wildlife's (Service) Threatened and Endangered (T&E) Species for Merced County and the Volta USGS 7.5 minute quadrangle. ESR's search resulted in nine species/communities and 18 total registered occurrences for the Volta quad from CNDDB. The Service T&E List for Volta quad included 13 listed species. ESR determined that the only listed species with potential to occur within the proposed action area are the San Joaquin kit fox and California Tiger Salamander (CTS). The potential was considered to be low due to the natural and man made barriers coupled with the isolation and fragmentation of the habitat.

ESR's reconnaissance survey of the proposed conveyor system area site and a 300-foot buffer was completed on August 10, 2006. ESR's opinion was that the site is so highly disturbed that it is unlikely to be considered probable habitat for sensitive species.

ESR also surveyed the north and south side of the DMC and the 300-foot buffer area for presence of potential San Joaquin kit fox dens, CTS breeding ponds and/or aestivation habitat, and presence of burrowing owls. No potential dens were identified at that time, nor was appropriate CTS habitat observed, and no burrowing owl sightings made.

Table1 below was compiled by Reclamation using U.S. Fish and Wildlife Service data base on April 19, 2007 (Document Number: 070419034629) for the following quads: The project exists in the Volta Quadrangle. The following are additional quadrangles in the surrounding area: Ingomar, Los Banos, Charleston School, and Ortigalita Peak NW.

Group	Species	Common Name	Status
Invertebrates			
	Branchinecta longiantenna	longhorn fairy shrimp	E
	Branchinecta lynchi	vernal pool fairy shrimp	T
	Desmocerus californicus dimorphus	valley elderberry longhorn beetle	T
	Lepidurus packardi	vernal pool tadpole shrimp	E
Fish			
	Hypomesus transpacificus	delta smelt	T
	Oncorhynchus mykiss	Central Valley steelhead	T, NMFS
Amphibians			
	Ambystoma californiense	California tiger salamander, central population	T
	Rana aurora draytonii	California red-legged frog	T
Reptiles			
	Gambelia (=Crotaphytus) sila	blunt-nosed leopard lizard	E
	Thamnophis gigas	giant garter snake	T
Birds			
	Haliaeetus leucocephalus	bald eagle	T
Mammals			
	Dipodomys ingens	giant kangaroo rat	E
	Dipodomys nitratoides exilis	Fresno kangaroo rat	E
	Vulpes macrotis mutica	San Joaquin kit fox	E

Table 1 U.S. Fish and Wildlife Service Species List

A search of CNDDB was conducted on May 22, 2007 with the following results (Table 2):

Group	Species name	Common Name	Federal Listing	State Listing
Invertebrate				
	Branchinecta longiantenna	longhorn fairy shrimp	E	N
	Lepidurus packardi	vernal pool tadpole shrimp	E	N
Amphibian				
	Ambystoma californiense	California tiger salamande	T	N
	Rana aurora draytonii	California red-legged frog	T	N
Reptile				
	Gambelia sila	blunt-nosed leopard lizard	E	E
	Thamnophis gigas	giant garter snake	T	T
Birds				
	Buteo swainsoni	Swainson's hawk	N	E
Mammal				
	Ammospermophilus nelsoni	Nelson's antelope squirrel	N	T
	Dipodomys ingens	giant kangaroo rat	E	E
	Vulpes macrotis mutica	San Joaquin kit fox	E	T

Table 2 CNDDB List

3.3.2 Environmental Consequences

No Action

Under the no action alternative, the aggregate pits would continue to operate as they currently do, with materials being hauled over the DMC by use of trucks. The area would remain

disturbed, which discourages the use of the area by rodents, especially the California ground squirrel, whose burrows could be used by the California tiger salamander and San Joaquin kit fox.

Proposed Action

With the proposed action, a conveyor system would be constructed to allow a more efficient means of transporting material across the DMC. It would result in a small amount of disturbance to upland areas.

There is no proposed or designated critical habitat in the project area and so none would be affected.

Due to the lack of suitable breeding habitat nearby, the disturbed nature of the aggregate pits and the presence of the DMC, which may have already fragmented historical habitat, the California tiger salamander is not expected to occur in the project area and therefore would not be affected.

The site is in the greater Santa Nella area, which has been identified by the U.S. Fish and Wildlife Service as an important area for the movement of kit foxes between the northern part of their range and populations further to the south, including Ciervo/Panoche. Although kit foxes may use the DMC as a linear corridor, the presence of active aggregate pits would discourage kit foxes from denning in the area, due to the lack of ground squirrels that would provide dens and a prey base. No effects are anticipated on the San Joaquin kit fox; the high level of disturbance would discourage their use of the area and the installation of exclusion gates would prevent them from accessing the conveyor belt once it is constructed. However, because there is grassland habitat around the quarry and there would be ground disturbance in an upland area, a standard preconstruction survey would be conducted by a qualified biologist and avoidance measures must be implemented.

The western burrowing owl, which is protected by the Migratory Bird Treaty Act, has not been detected in the project area and is unlikely to occur, for reasons similar to those outlined above for the San Joaquin kit fox. The western burrowing owl also depends primarily on ground squirrel burrows or man-made structures for its burrows, but unlike the San Joaquin kit fox, its diet is less dependent on small mammals that would be discouraged from occupying the area by the operation of the aggregate pits. Furthermore, burrowing owls are somewhat more mobile, so they may not be quite as affected by habitat fragmentation. A preconstruction survey would still be conducted to verify absence. If burrowing owls are detected near the project area, they must be avoided by standard California Department of Fish and Game-approved buffers. In the unlikely event that any burrowing owls are found, the buffers would reduce effects to a minimum and would ensure compliance with the Migratory Bird Treaty Act.

Cumulative Effects

As the proposed action is not expected to affect any federally listed species, it would not contribute cumulatively to any effects on these species. A preconstruction survey and avoidance measures for the small footprint of disturbance in an upland area would prevent any noticeable cumulative contribution to effects on the western burrowing owl, in the event that the species may have inhabited the project area since the initial surveys.

3.4 Archaeological and Cultural Resources

3.4.1 Affected Environment

Cultural resources is a broad term that is intended to include prehistoric, historic, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation which outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into account the effects of an undertaking on cultural resources that are listed or eligible for listing in the National Register of Historic Places (National Register). Cultural resources eligible for listing on the National Register are known as historic properties.

Cultural resources in this area are generally archaeological in nature and are often found in association with water courses. It is possible that some cultural resources lie undiscovered across the San Joaquin valley, but there has been no systematic study. Much of the area has been cultivated for decades and routinely tilled and irrigated. Any archaeological resources that may be present have been impacted by these agricultural practices.

A records and information search of the project area was conducted at Central California Information Center of the California Historical Resources Information System by Pacific Legacy on August 8, 2006. Records revealed that the project area had not been subject to previous survey and only one cultural resource survey had been conducted within ½ mile of proposed project area (Werner 1989). The records search also revealed that one cultural resource, the Delta-Mendota Canal, was located within the project area. The DMC has been determined eligible for listing on the National Register under Criterion A as a component of the Central Valley Project, specifically its contribution to irrigation and agricultural development.

Los Banos Creek (Historic and Prehistoric Transit Route) was an additional resource that had been recorded, which is within ½ mile of the proposed project area. However, Los Banos Creek does not lie within the proposed project area. A pedestrian survey was completed August 23, 2006 with no cultural resources noted.

3.4.2 Environmental Consequences

No Action

Under the No Action Alternative Reclamation would not approve the ROW for construction of the conveyor system across the DMC. The condition of archaeological and cultural resources would be the same as it would be under the existing conditions; therefore, no additional effects to archaeological and cultural resources are associated with this alternative.

Proposed Action

Reclamation would approve the 10-year license for construction and use of the conveyor system over the DMC. Pile driving would not be performed as part of the proposed action, which would ensure material and structural integrity of the canal.

The proposed action to issue a10-year license to Triangle to construct and use a conveyor system over the DMC near milepost 80 in Merced County was determined to be the type of action that has the potential to affect historic properties. As a result, Reclamation entered into consultation

with the California State Historic Preservation Officer (SHPO) on a finding of no adverse affect as outlined in the regulations at 36 CFR Part 800.5(b). Triangle proposes to construct an approximately 200 foot long conveyor, spanning across the DMC. The conveyor belt would be 3 feet wide and be supported by an 11-foot wide truss and be a distance of 15 feet above the canal. One resource exists within the Area of Potential Effect, the DMC. The DMC has been determined eligible for the National Register of Historic Places (National Register) as part of the CVP under Criterion A, for its association with irrigation and agricultural development. Reclamation entered into consultation with SHPO on June 12, 2007. SHPO concurrence on our finding of no adverse affect was received July 13, 2007.

Cumulative Effects
There are no cumulative impacts associated with this action that would affect archaeological and cultural resources.

3.5 Indian Trust Assets

3.5.1 Affected Environment

Indian Trust Assets (ITAs) are legal interests in property held in trust by the U.S. for federally-recognized Indian tribes or individual Indians. An Indian trust has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITAs can include land, minerals, federally-reserved hunting and fishing rights, federally-reserved water rights, and in-stream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally-recognized Indian tribes with trust land; the U.S. is the trustee. By definition, ITAs cannot be sold, leased, or otherwise encumbered without approval of the U.S. The characterization and application of the U.S. trust relationship have been defined by case law that interprets Congressional acts, executive orders, and historic treaty provisions.

Consistent with President William J. Clinton's 1994 memorandum, "Government-to-Government Relations with Native American Tribal Governments," Bureau of Reclamation (Reclamation) assesses the effect of its programs on tribal trust resources and federally-recognized tribal governments. Reclamation is tasked to actively engage federally-recognized tribal governments and consult with such tribes on government-to-government level (59 Federal Register 1994) when its actions affect ITAs.

The U.S. Department of the Interior (DOI) Departmental Manual Part 512.2 ascribes the responsibility for ensuring protection of ITAs to the heads of bureaus and offices (DOI 1995). Part 512, Chapter 2 of the Departmental Manual states that it is the policy of the Department of the Interior to recognize and fulfill its legal obligations to identify, protect, and conserve the trust resources of federally recognized Indian tribes and tribal members.

The nearest ITA to the proposed site is approximately 33 miles southwest and it is a Public Domain Allotment.

3.5.2 Environmental Consequences

No Action
The no action alternative would not affect ITAs because there are no ITAs in the proposed site.

Proposed Action
There would be no impacts to ITAs since the project is localized to the DMC where there are no Tribal lands and no ITAs.

Cumulative Effects
The proposed action would not affect ITA's when considered for past, present, and future actions.

3.6 Socioeconomic Resources

3.6.1 Affected Environment

Merced County is located in the heart of the San Joaquin Valley, the world's most productive agricultural area, and spans from the coastal ranges to the foothills of Yosemite National Park. The county's population is ethnically diverse and there are opportunities to enjoy the different cultures of its residents. (County of Merced 2007). The Department of Finance estimated the population at 249,116 (State of California, Department of Finance 2006).

Agricultural-related industries are a major source of employment along with food processing, retailing, and light manufacturing.

In 2005, Merced agriculture surpassed $2 billion in gross production value of agriculture commodities. Milk is the county's number one commodity followed by chickens, almonds, then cattle and calves. Other crops include cherries, strawberries, tomatoes, and cotton. (Merced County 2007b)

3.6.2 Environmental Consequences

No Action
Currently, Vulcan hauls 20 loads of aggregate per hour per day, 12 hours per day five days a week. This equates to 1200 trips back and forth over the bridge. Truck hauling of aggregate materials would still continue. Truck hauling would not adversely affect socioeconomic resources. However, as price of fuel increases for truck hauling, the cost would be passed on to customers.

Proposed Action
The construction and operation of a conveyor belt over the DMC would not alter existing surface mining operations and, therefore, would not directly affect socioeconomic resources. However, there might be a slight indirect benefit. Truck hauling operation costs (fuel, oil, maintenance, engine repairs, tires, etc.) increase and are usually passed onto customers. The conveyor system would eliminate fuel and other costs previously passed onto customers.

Cumulative Effects
There would be no cumulative socioeconomic effects in the immediate vicinity of the conveyor system crossing.

3.7 Environmental Justice

3.7.1 Affected Environment

According to the Census Bureau (2000), 85.4 percent of the population of Merced County was white persons, 4.1 percent were black persons, 1.6 percent were American Indian and Alaska Native persons, 6.6 percent were Asian persons, 0.2 percent were Native Hawaiian and Other Pacific Island persons, and 51.4 percent were persons of Hispanic or Latino origin. Approximately 18.2 percent of persons were below the poverty level for 2003.

3.7.2 Environmental Consequences

No Action
Truck hauling of aggregate materials would still continue. Truck hauling would not harm minority or disadvantaged populations in the project area.

Proposed Action
The construction and operation of a conveyor system over the DMC would not alter existing surface mining operations and, therefore, would not adversely affect minority or disadvantaged populations in the project area.

Cumulative Effects
The proposed action would be a minor change to the existing surface mining operation. Operational efficiencies and safety would be improved. There would be no cumulative effects to minority or disadvantaged populations in the immediate vicinity of the conveyor system crossing.

Section 4 Consultation and Coordination

4.1 Fish and Wildlife Coordination Act (16 USC . 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The project does not involved construction for water development. Therefore the FWCA does not apply.

4.2 Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the Unite States do not have adverse impacts on the continued existence of threatened or endangered species or on designated areas (critical habitats) that are important in conserving species. Action agencies must consult with the U.S. Fish and Wildlife Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

Due to the disturbed nature of the site, the small size of the area of potential effect, and the fact that no listed species or critical habitat exist in the vicinity, Reclamation made a determination of no affect. However, preconstruction surveys would be conducted and avoidance measures implemented for the San Joaquin kit fox.

4.3 National Historic Preservation Act (15 USC 470 et seq.)

Federal agencies are required to consider the effects of their undertakings on historic resources, and to give the Advisory Council a reasonable opportunity to comment on those undertakings.

The proposed action to issue a 10-year license to Triangle to construct and use a conveyor system over the DMC near milepost 80 in Merced County was determined to be the type of action that has the potential to affect historic properties. As a result, Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on a finding of no adverse affect as outlined in the regulations at 36 CFR Part 800.5(b).

One resource exists within the Area of Potential Effect, the DMC. The DMC has been determined eligible for the National Register of Historic Places as part of the CVP under Criterion A, for its association with irrigation and agricultural development. Reclamation entered into consultation with SHPO on June 12, 2007. SHPO concurrence on our finding of no adverse affect was received July 13, 2007.

4.4 Migratory Bird Treaty Act (16 USC Sec. 703 et seq.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg would be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

The Proposed Action would have no effect on birds protected by the Migratory Bird Treaty Act.

4.5 Executive Order 11988 – Floodplain Management and Executive Order 11990 - Protection of Wetlands

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. This action would not adversely affect floodplains or wetlands.

Section 5 Environmental Commitments

All efforts would be made to minimize particulate matter, lighting and noise that might affect wildlife. A biologist would do a pre-construction survey to identify and protect any wildlife in

the project area. All construction activities would avoid migratory bird species and their nests. Any injured wildlife would be reported and/or taken to the proper authorities for rehabilitation.

Pre-construction surveys for potential species would be conducted 30 to14 days prior to ground disturbance activities.

In the event of unexpected discovery of archaeological or historical cultural resources, all activity would cease in the area of discovery. Immediate telephone notification of the discovery would be made to a responsible federal agency official. In addition, all reasonable efforts to protect the cultural resources discovered would be made. The activity would resume only after the federal agency official has authorized a continuance.

Gated walkway access and gated truss access (contains barb wire) would be installed to protect the public from unauthorized access of the conveyor system.

The construction area would be properly re-contoured and re-vegetated with erosion control native grass species indigenous to the area to ensure storm water runoff is properly addressed.

Section 6 List of Preparers and Reviewers

Patti Clinton, Natural Resource Specialist, SCCAO
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Shauna McDonald, Wildlife Biologist, SCCAO
Patricia Rivera, Indian Trust Assets, MP
BranDee Bruce, Archaeologist, MP
Laura Couron, Realty Assistant, SCCAO

Section 7 References

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Appendix

SHPO concurrence on our finding of no adverse affect received July 13, 2007.

Photographs of project area.

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

July 13, 2007

In Reply Refer To: BUR070613B

Susan M. Fry
Regional Environmental Officer
United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Re: Proposed Construction of an Aggregate Conveyor over the Delta-Mendota Canal, Madera County, California (Project No. 07-SCAO-241).

Dear Ms. Fry:

Thank you for seeking consultation with me, regarding the above noted project, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The Bureau of Reclamation (BUR) is lead federal agency for the subject undertaking, the proposed construction of an aggregate conveyor over the Delta Mendota Canal (DMC). The BUR is proposing to issue a federal permit to Triangle Rock Products, Inc. to implement this project and has identified it as an undertaking pursuant to Section 106 of the National Historic Preservation Act. The project will entail the construction of a 200-foot long conveyor structure supported by an 11-foot wide truss with a three-foot wide conveyor belt. The structure will be situated approximately 15 feet above the DMC. Triangle Rock Products, Inc. owns the property on both sides of the DMC at this location and plans to use the conveyor to transport crushed stone, gravel, and sand across the canal.

The BUR has determined that the Area of Potential Effects consists of an approximately 200 meter by 50 meter area spanning the canal at a location approximately one-quarter mile northwest of Creek Road Crossing. Efforts to identify historic properties in the APE have concluded there is one historic property at the proposed project location, the Delta-Mendota Canal. The 117-mile long Delta-Mendota Canal was constructed circa 1951 has been determined individually eligible for the National Register of Historic Places (NRHP) by the BUR. The BUR has also developed a district NRHP listing for the Central Valley Project, currently being reviewed by my office, to which the DMC will be a contributing element. The BUR has concluded that the construction of the conveyor will not affect the DMC's function or design, that the design and appearance of this project is congruent with the other existing crossings and features along the DMC, and that the visual effect will be minimal. Consequently, the BUR has concluded that a finding of No Adverse Effect is appropriate.

After reviewing your letter of June 12, 2007, and supporting documentation, I have the following comments:

1) I concur that the Area of Potential Effects is appropriate pursuant to 36 CFR Parts 800.4(a)(1) and 800.16(d) and that the efforts made to identify historic properties have been appropriate pursuant to 36 CFR Part 800.4(b).

2) I further concur that a finding of No Adverse Effect is appropriate pursuant to 36 CFR Part 800.5(b).

3) Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the BUR may have additional future responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist, at phone 916-654-4614 or email wsoule@parks.ca.gov and Amada Blosser, State Historian, at phone 916-653-9010 or email ablosser@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Pacific Legacy Photographic Documentation

Client: Vulcan Materials Company
Location: Los Banos, Merced County
Photograph Date: August 23, 2006

Prepared by: Brooke Kaleiki
Photographer: Kevin Bartoy

Photograph No. 1

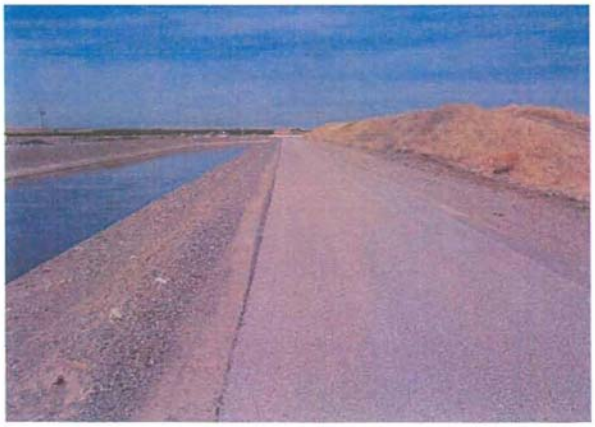
Direction:
Southeast

Description:
North side of canal on canal access road. Approximate location of conveyor view.

Photograph No. 2

Direction:
Northwest

Description:
Same location as photograph #1.



Pacific Legacy Photographic Documentation

Client: Vulcan Materials Company
Location: Los Banos, Merced County
Photograph Date: August 23, 2006

Prepared by: Brooke Kaleiki
Photographer: Kevin Bartoy

Photograph No. 3

Direction:
Northeast

Description:
Same location as photograph #1. View is northeast over disturbance on edge of canal with view to gravel pit.

Photograph No. 4

Direction:
Northwest

Description:
South side of canal on canal access road. Approximate conveyor location.

Page 2 of 3

Pacific Legacy Photographic Documentation

Client: Vulcan Materials Company
Location: Los Banos, Merced County
Photograph Date: August 23, 2006

Prepared by: Brooke Kaleiki
Photographer: Kevin Bartoy

Photograph No. 5

Direction:
West

Description:
Same location as photograph #4.

ESR, Inc.

PHOTO PAGE

Photo 1: East side of canal, Triangle Rock Products CUP 3466

Photo 2: East side of canal, BOR right-of-way.

1

ESR, Inc.

PHOTO PAGE

Photo 3: West side of canal, BOR right-of-way.

Photo 4: West side of canal; triangle Rock Products, CUP3466

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